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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

September 26, 2005

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Raye, Associate Justice; and Facey, bailiff.

C045875 THE PEOPLE v. KORN

Cause called. Richard Doctoroff, court appointed counsel, argued for appellant. Marcia A. Fay, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:01 a.m., the court recessed. At 10:07 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Hull, Associate Justice.

C046479 THE PEOPLE v. KING

Cause called. Madeline McDowell, court appointed counsel, argued for appellant. David A. Rhodes, Deputy Attorney General, waived argument. Cause submitted.

At 10:27 a.m., the court recessed. At 10:29 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice and Hull, Associate Justice

C046602 KNIGHTEN v. GATEWAY UNIFIED SCHOOL DISTRICT

Cause called. Robin Leslie Stewart argued for appellant. Jeffrey H. Swanson argued for respondent. Cause submitted.

At 11:00 a.m., the court recessed. At 11:02 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C048137 DA VEIGA v. AZIMI

Cause called. Herman Franck argued for appellant. Karen L. DeVeiga argued In Pro Per as respondent. Cause submitted.

At 11:18 a.m., the court recessed. At 11:23 a.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C048162 THE CITY OF STOCKTON et al. v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and CIVIC PARTNERS STOCKTON, LLC.

Cause called. Charles W. Reese argued and Jeffrey R. Ward, appeared only for petitioners. Malcolm A. Misuraca argued for real party in interest. Cause submitted.

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September 26, 2005, continued

At 11:57 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C047873 THE PEOPLE v. HARRIS

Cause called. Robert L.S. Angres, court appointed counsel, argued for appellant. R. Todd Marshall, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:22 p.m., the court recessed until 9:30 a.m., Monday, October 17, 2005.

C047364 THE PEOPLE v. BARTEE, SR. (Not for Publication)

The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Davis, Acting P.J.
Hull, J.

C048037 THE PEOPLE v. COX (Not for Publication)

Defendant's conviction for carjacking is reversed. In all other respects, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Davis, J.

C048155 THE PEOPLE v. DANIEL (Not for Publication)

The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Davis, J.

C048690 THE PEOPLE v. BAKER (Not for Publication)

The trial court is directed to amend the abstract of judgment... In all other respects, the judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Hull, J.

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We Concur: NICHOLSON, J.
Davis, Acting P.J.
Raye, J.

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C048762 KOONTZ v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and THE PEOPLE (Not for Publication)

The alternative writ, having achieved its purpose, is discharged and the petition is dismissed.

DAVIS, J.

We Concur: Blease, Acting P.J.
 Morrison, J.

C043308 THE PEOPLE v. LEE (Not for Publication)
C043992 THE PEOPLE v. LEE (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on August 31, 2005, be modified...

... This modification does not effect a change in the judgment. The petition for rehearing is denied.

BY THE COURT:

SCOTLAND, P.J.
HULL, J.

C046507 FRAZIER v. DEPARTMENT OF CHILD SUPPORT SERVICES
BY THE COURT:

Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.

September 28, 2005

C048458 THE PEOPLE v. RUGGLES (Not for Publication)

The judgment (order) is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.
 Hull, J.

C044099 THE PEOPLE v. GIFFORD (Not for Publication)

The judgment is reversed... defendant shall be entitled to a new trial.

MORRISON, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

C049468 THE PEOPLE v. DaSILVA (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We Concur: Raye, J.
 Cantil-Sakauye, J.

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September 28, 2005, continued

- C049606 THE PEOPLE v. QUINN (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C047515 HESSLER v. ELK GROVE UNIFIED SCHOOL DISTRICT, et al. (Not for Publication)**
The appeal is dismissed. Respondent shall recover costs on appeal.
BLEASE, J.
We Concur: Scotland, P.J.
Hull, J.
- C046307 THE PEOPLE v. GOODMAN**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.
- C048636 In re NANCY C.; THE PEOPLE v. NANCY C.**
BY THE COURT:
Respondent's petition for rehearing is granted. The decision filed on
September 7, 2005, is vacated.
NICHOLSON, Acting P.J.

September 29, 2005

- C044191 THE PEOPLE v. SMITH (Certified for Publication)**
The judgment is reversed.
DAVIS, J.
We Concur: Scotland, P.J.
Morrison, J.
- C044646 THE PEOPLE v. CLARK (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Morrison, J.
- C046445 THE PEOPLE v. BAKER (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Sims, J.

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- C046559 THE PEOPLE v. WHEELER (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C046690 THE PEOPLE v. GLASS (Not for Publication)**
The order directing defendant to pay... In all other respects, the judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C047219 THE PEOPLE v. KRUPP (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Sims, J.
- C047376 THE PEOPLE v. SEXTON (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
Scotland, P.J.
Cantil-Sakauye, J.
- C047541 THE PEOPLE v. POOLE (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Hull, J.
- C049023 THE PEOPLE v. HALUS (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Hull, J.
- C049057 THE PEOPLE v. WORLEY (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Morrison, J.

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- C046543 BULAICH v. CALIFORNIA DEPARTMENT OF HEALTH SERVICES et al.**
(Not for Publication)
The judgment is affirmed. Costs on appeal are awarded to defendants...
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C046585 DUVALL v. SACRAMENTO SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS et al. (Not for Publication)**
The judgment is affirmed...
MORRISON, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C046629 KUHL et al. v. LITTON LOAN SERVICING, LP**
(Not for Publication)
The judgment is reversed...
NICHOLSON, J.
We Concur: Scotland, P.J.
Morrison, J.
- C047314 PALLCO ENTERPRISES, INC. v. BEAM et al.**
(CERTIFIED FOR PUBLICATION)
The judgment is affirmed. Respondents shall recover their costs on
appeal. (Cal. Rules of Court, rule 27(a).)
HULL, J.
We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.
- C049479 RESTORATION GROUP, INC. v. McCOLM and McCOLM**
BY THE COURT:
Appellant. Patricia McColm, who has been deemed a vexatious litigant,
subject to a prefiling order...
... The petition for rehearing is denied.
SIMS, Acting P.J.

September 30, 2005

- C047754 THE PEOPLE v. AUBERTIN (Not for Publication)**
Defendant's conviction for violating Penal Code section 12031,
subdivision (a) (1) is reversed. In all other respects, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Hull, J.

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September 30, 2005, continued

- C048878 THE PEOPLE v. HENLEY (Not for Publication)**
The judgment (order of probation) is modified...
MORRISON, J.
We Concur: Sims, Acting P.J.
 Davis, J.
- C049247 THE PEOPLE v. MARTINEZ (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
 Morrison, J.
- C047443 LARUE, SR. v. HACKIM (Not for Publication)**
The order of child support is reversed and the matter remanded...
MORRISON, J.
We Concur: Nicholson, Acting P.J.
 Hull, J.
- C047504 LUCKEY v. THE LUCKEY COMPANY et al. (Not for Publication)**
The judgment is reversed. Luckey is awarded her costs on appeal.
DAVIS, Acting P.J.
We Concur: Morrison, J.
 Cantil-Sakauye, J.
- C043539**
C046171 DELL MERK, INC. v. FRANZIA and PACIFIC STATE BANK
BY THE COURT:
Appellant's petition for rehearing is denied.
RAYE, Acting P.J.
- C049042 PETRINI VAN & STORAGE, INC. v. SUPERIOR COURT OF SACRAMENTO
COUNTY and MUNOZ (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on September 8, 2005, be
modified...
... The stay of proceedings in superior court case number 04S01213 is
vacated upon the finality of this opinion.
BY THE COURT:
SIMS, Acting P.J.
DAVIS, J.
CANTIL-SAKAUYE, J.